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16 ATTORNEYS FOR DEFENDANT

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 OAKLAND DIVISION

20 RUSSELL BRADBERRY, individually and on)
21 behalf of a class of similarly situated)
22 individuals,)

23 Plaintiff,

24 v.

25 T-MOBILE USA, INC., a Delaware)
26 corporation)

27 Defendant.)

Case No. C 06 6567 CW

**STIPULATION AND [PROPOSED]
ORDER CHANGING HEARING
DATE ON DEFENDANT'S MOTION
FOR JOINDER, OR IN THE
ALTERNATIVE, CONSOLIDATION
AS MODIFIED**

The Honorable Claudia Wilken

1 RUSSELL BRADBERRY, individually and on)
2 behalf of a class of similarly situated) Case No.C-07-5298 ~~PJH~~ CW
3 individuals,)
4)
5 Plaintiff,)
6)
7 v.)
8)
9 MBLOX, INC., a Delaware corporation,)
10)
11 Defendant.)
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28) **CLASS ACTION**

9 WHEREAS, Defendant mBlox, Inc. (“mBlox”) has filed a Motion For Joinder, Or In
10 The Alternative, Consolidation (the “Joinder Motion”), which motion is currently scheduled
11 for hearing before the Court at 2:00 p.m on November 29, 2007;

12 WHEREAS, Plaintiff has filed a motion to remand the case to the Superior Court of
13 Santa Clara County, California, from whence Defendant removed the case, which remand
14 motion is scheduled for hearing before the Court at 2:00 p.m. on December 13, 2007;

15 WHEREAS, both Parties believe that it would conserve judicial and party resources
16 to have a single hearing, especially since the Joinder Motion would become moot if the Court
17 decided to remand the case.

18 IT IS THEREFORE HEREBY STIPULATED AND AGREED that the hearing
19 previously scheduled on the Joinder Motion for 2:00 p.m. on November 29, 2007 should be
20 rescheduled to occur at 2:00 p.m. on December 13, 2007 or such other time as Plaintiff’s
21 Motion To Remand is heard.

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1 Dated: November 19, 2007

WILDMAN, HARROLD, ALLEN &
DIXON, LLT

3 By: /s/ Craig M. White

4 Craig M. White
5 Brent R. Austin
6 Chung-Han Lee
7 Attorneys for Defendant
8 mBlox, Inc.

9 Dated: November 19, 2007

LAW OFFICES OF TERRY M. GORDON

10 By: /s/ Terry M. Gordon

11 Terry M. Gordon
12 Attorneys for Plaintiff
13 RUSSELL BRADBERRY

14 Pursuant to Stipulation, IT IS SO ORDERED. The pending motion to dismiss will also be
15 heard on December 13, 2007, if it has not previously been decided on the papers.

16 DATED: 11/28/07


17 The Honorable Claudia Wilken
18 United States District Judge
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28 **STIPULATION AND [PROPOSED] ORDER CHANGING HEARING DATE ON DEFENDANT'S
MOTION FOR JOINDER, OR IN THE ALTERNATIVE, CONSOLIDATION, Case Nos. C-06-6567
CW; C-07-5298 PJH**